

**2003 DRAFTING REQUEST****Bill**Received: **11/11/2002**Received By: **rnelson2**Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**By/Representing: **Adam R**This file may be shown to any legislator: **NO**Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Administrative Law**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Foti@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Duration of effect of emergency rules

**Instructions:**

See Attached 01-1802 AB357

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 11/11/2002	jdyer 11/15/2002					
/1			rschluet 11/18/2002		sbasford 11/18/2002	amentkow 01/09/2003	
/2	rnelson2	jdyer	pgreensl		sbasford	sbasford	

01/21/2003 02:00:08 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/16/2003	01/17/2003	01/21/2003	_____	01/21/2003	01/21/2003	
		jdye		_____			
		01/17/2003		_____			

FE Sent For:

*None  
needed*

<END>

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p8

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Page 2

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**<END>**

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/?	rnelson2 11/11/2002	jdyer 11/15/2002		_____			
/1			rschluet 11/18/2002	_____	sbasford 11/18/2002		

11/18/2002 11:21:47 AM

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By/Representing: Adam R

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FE Sent For:

11/15 JLD

11-18-2  
<END>

**Nelson, Robert P.**

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**From:** Raschka, Adam  
**Sent:** Thursday, November 07, 2002 2:05 PM  
**To:** Nelson, Robert P.  
**Subject:** 2001 AB 357

Hi Robert,

I understand you drafted 2001 AB 357 for Rep. Foti last session. Could we please have the same bill drafted for 2003. Thanks.

Please give me a call if you have any questions.

Thank you,

Adam

**Adam Raschka**  
**Office of Majority Leader Steve Foti**  
**608-264-8516**  
**[adam.raschka@legis.state.wi.us](mailto:adam.raschka@legis.state.wi.us)**

*duration of  
emer. rules*



1  
stays3  
2001 ASSEMBLY BILL 357

~~April 30, 2001 - Introduced by Representatives FOTI, WOOD, GUNDERSON, SERATTI, FRISKE, D. MEYER, FREESE, HUNDERTMARK, JESKEWITZ, KEDZIE, KESTELL, KRAWCZYK, M. LEHMAN, MUSSER, NASS, OWENS, POWERS, STONE, SUDER, SYKORA, TOWNSEND, URBAN, WADE and WARD, cosponsored by Senators ROSENZWEIG, DARLING, HUELSMAN and SCHULTZ. Referred to Committee on State Affairs.~~

Regen

- 1 AN ACT to amend 227.24 (1) (c) of the statutes; relating to: the duration of the  
2 effect of emergency rules. ✓

---

*Analysis by the Legislative Reference Bureau*

Under current law, an agency may promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements for regular rule making if the rule is needed to preserve the public health, safety, or welfare. A rule promulgated as an emergency rule takes effect upon its publication in the official state newspaper and remains in effect for 150 days. Current law allows the agency to request that the joint committee for review of administrative rules extend the effective date of the emergency rule for additional periods not to exceed 60 days each, but with a maximum of 120 days for all of the extensions. Currently, a request for an extension of an emergency rule must be made at least 30 days before the expiration date of the rule. An agency that issues an emergency rule must hold a public hearing within 45 days after the date on which the rule is promulgated or, if the agency submits a rule to the legislative council staff that is the same as the emergency rule, the agency must hold a public hearing on both rules within 90 days after promulgating the emergency rule or within 30 days after the date on which the agency receives the report on the rule prepared by the legislative council, whichever is later. \*

# ASSEMBLY BILL 357

This bill reduces the initial effective period of an emergency rule from 150 days to 60 days.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 227.24 (1) (c) of the statutes is amended to read:

227.24 (1) (c) A rule promulgated under par. (a) takes effect upon publication in the official state newspaper or on any later date specified in the rule and, except as provided under sub. (2), remains in effect only for ~~150~~ 60 days.

## SECTION 2. Initial applicability.

(1) This act first applies to emergency rules promulgated on the effective date of this subsection. ✓

**(END)**

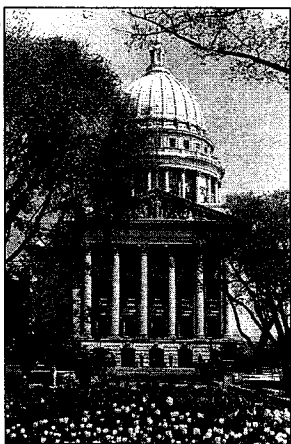
**Barman, Mike**

---

**From:** Raschka, Adam  
**Sent:** Wednesday, January 08, 2003 5:56 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-0642/1 Topic: Duration of effect of emergency rules

It has been requested by <Raschka, Adam> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0642/1 Topic: Duration of effect of emergency rules



REPRESENTATIVE  
S T E V E

**FOTI**

ASSEMBLY  
MAJORITY LEADER

LRB 0642/1

Bob,

Here is a copy of the Governor's veto message. Please draft to reflect what is highlighted in orange, not what is crossed out.

We are looking to drop the initial length for an emergency rule from 150 days to 90 days with two 90 day extensions for a max of 270 days.

MADISON OFFICE:  
ROOM 215 WEST  
STATE CAPITOL

POST OFFICE BOX 8952  
MADISON, WISCONSIN 53708

(608) 266-2401  
FAX: (608) 261-6925

TOLL-FREE:  
1 (888) 534-0038

HOME:  
1117 DICKENS DRIVE  
OCONOMOWOC, WI 53066  
(262) 567-5324

Please call with any questions.

Thanks  
Adam

on Finance from supplementing the appropriation above \$16,000 until provided a number of reports.

I object to the change in appropriation status because I believe a continuing appropriation is better suited to the requirements of maintaining the system. I also am concerned that the requirements to prepare and submit additional reports as a condition for having supplemental funding requests considered will unnecessarily delay implementation of the shared human resources system. I am, therefore, vetoing these provisions in their entirety. The effect of my veto will retain the current law continuing appropriation.

## LEGISLATURE

### 27. Legislative Hotline

*Sections 102p, 2304p and 9432 (1z)*

This provision prohibits the Legislature from maintaining a toll-free telephone service for use of the public to contact members of the Legislature.

The legislative hotline provides a convenient means for the public to contact members of the Legislature. Eliminating this central point of access could discourage citizens from communicating with their legislators. For this reason, I am vetoing deletion of the legislative hotline.

*Sections 3034d, 3034j and 3034k*

~~This provision changes the total number of days that emergency administrative rules may be in effect from 150 to ninety days. It also modifies the maximum extension of the effective period from 120 days to 180 days. Also included is a new requirement that any proposed administrative rule must be submitted to the Revisor of Statutes and the Secretary of State within thirty days after legislative review is complete.~~

I am vetoing this provision because it places unnecessary restrictions on the executive branch and the emergency rule process.

### 29. Legislative Council Studies

*Sections 9132 (4b) and 9132 (4z)*

Section 9132 (4b) requests the Joint Legislative Council to study how juries are selected, including what actions are needed to increase the participation of racial and ethnic minorities on juries so that juries reflect the racial and ethnic composition of the areas from which the juries were selected. Section 9132 (4z) requests the council to study how state government, the state's research universities and the state's business



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0642/1

RPN:jld:rs

2

## 2003 BILL

Regen

- 1 AN ACT *to amend* 227.24 (1) (c) of the statutes; **relating to:** the duration of the  
2 effect of emergency rules.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, an agency may promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements for regular rule making if the rule is needed to preserve the public health, safety, or welfare. A rule promulgated as an emergency rule takes effect upon its publication in the official state newspaper and remains in effect for 150 days. Current law allows the agency to request that the Joint Committee for Review of Administrative Rules extend the effective date of the emergency rule for additional periods not to exceed 60 days each, but with a maximum of 120 days for all of the extensions. Currently, a request for an extension of an emergency rule must be made at least 30 days before the expiration date of the rule. An agency that issues an emergency rule must hold a public hearing within 45 days after the date on which the rule is promulgated or, if the agency submits a rule to the Legislative Council staff that is the same as the emergency rule, the agency must hold a public hearing on both rules within 90 days after promulgating the emergency rule or within 30 days after the date on which the agency receives the report on the rule prepared by the Legislative Council, whichever is later.

**BILL**

90 This bill reduces the initial effective period of an emergency rule from 150 days to 90 days. *Insert And*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 **SECTION 1.** 227.24 (1) (c) <sup>✓</sup> of the statutes is amended to read:

2 227.24 (1) (c) A rule promulgated under par. (a) takes effect upon publication

3 <sup>✓</sup> in the official state newspaper or on any later date specified in the rule and, except

as provided under sub. (2), remains in effect only for 150 <sup>90</sup> ~~150~~ days.

*- 4 +  
Insert  
2-4*

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to emergency rules promulgated on the effective date

6 of this subsection.

7  
8 (END)

**2003-2004 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0642/2ins  
RPN:jld:rs

NO 4 insert an1:  
The bill also increases the maximum time of any additional periods that the Joint Committee for Review of Administrative Rules<sup>✓</sup> may extend the effective date of the emergency rule from 60 to 90 days and increases the limit on the total period of those extensions from 120 days to 180<sup>✓</sup> days.

insert 2-4:

- 1        **SECTION 1.** 227.24 (2) (a)<sup>✓</sup> of the statutes is amended to read:
- 2            227.24 (2) (a) At the request of an agency, the joint committee for review of
- 3        administrative rules may, at any time prior to the expiration date of a rule
- 4        promulgated under sub. (1) (a), extend the effective period of the emergency rule or
- 5        part of the emergency rule for a period specified by the committee not to exceed 60
- 6        90<sup>✓</sup> days. Any number of extensions may be granted under this paragraph, but the
- 7        total period for all extensions may not exceed 120 180 days.

**History:** 1985 a. 182 ss. 6, 46, 55 (1), 57; 1985 a. 332 s. 253; 1987 a. 403; 1989 a. 31; 1995 a. 151; 1997 a. 185.